

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

**RESOURCE MANAGEMENT  
COMPANY INC.,**

**Plaintiff & Counterclaim-Defendant,**

**v.**

**WFC DURHAM HOLDINGS VII LLC  
and PHILADELPHIA INDEMNITY  
INSURANCE COMPANY,**

**Defendants & Counterclaimants.**

**Case No. 3:18-cv-433**

**Jury Demand**

**Judge Richardson**

**Mag. Judge Frensley**

---

**MOTION TO EXTEND PRETRIAL DEADLINES AND CONTINUE TRIAL  
ON ACCOUNT OF COVID-19 DISRUPTIONS**

---

The Defendants, WFC Durham Holdings VII LLC (“WFC”) and Philadelphia Indemnity Insurance Company, respectfully move the Court to extend the pretrial deadlines by approximately forty-five days and continue the trial in this matter accordingly. As grounds therefore, the Defendants respectfully state as follows:

1. By prior agreement of the parties, the Plaintiff had been scheduled to depose an important employee witness of WFC on March 18, 2020. This employee works out of state. Because of the rapid expansion of the novel coronavirus known as covid-19 and concomitant concern over its spread,<sup>1</sup> the witness is unwilling to travel for the immediate future.

---

<sup>1</sup> The Center for Disease Control has published domestic travel guidelines noting the increased risk of covid-19 infection posed by travel settings such as airports. *See CDC, Coronavirus and Travel in the United States*, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/travel-in-the-us.html>.

2. The deposition of this WFC witness was tied by the parties' agreement to the depositions of certain Plaintiff witnesses. The parties have, accordingly, as of Friday the 13th, canceled several depositions, which had been scheduled for over a month, on account of travel disruptions caused by the coronavirus.

3. Likewise, the present discovery deadline of April 24 is keyed to the remaining pretrial deadlines and the trial date, such that the pretrial deadlines cannot be moved without violating Local Rule 16.01(h).

4. While the parties, including the Defendants, would prefer to complete discovery on the present schedule and try the case as set, it appears very likely that it will be impractical to do so under the present schedule on account of the social disruptions caused by the coronavirus.

5. Accordingly, the Defendants request a forty-five-day extension of the pretrial deadlines and a concomitant continuation of the trial, which would result in an ADR report due date of June 25, a discovery cutoff of June 8, a discovery-motion cutoff of May 4, a dispositive-motion deadline of July 13, and a new target trial date of December 1, 2020. The Defendants' counsel is available throughout December 2020 and January 2021 for trial of this matter.

6. Counsel for the Defendants has consulted with counsel for the Plaintiffs concerning this motion and been informed that the Plaintiff does not oppose this motion.

Respectfully submitted,

s/ Paul J. Krog  
Eugene N. Bulso, Jr. (Tenn. No. 12005)  
Paul J. Krog (Tenn. No. 29263)  
LEADER, BULSO & NOLAN, PLC  
414 Union Street, Suite 1740  
Nashville, Tennessee 37219  
615-780-4110  
615-780-4118  
gbulso@leaderbulso.com  
pkrog@leaderbulso.com  
*Attorneys for Defendants*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was submitted via the Court's ECF system, which is expected to deliver a copy via electronic means to the following:

Phillip Byron Jones  
EVANS, JONES & REYNOLDS P.C.  
401 Commerce Street  
Suite 710  
Nashville, Tennessee 37219  
pjones@ejrlaw.com

on this, the 16th day of March, 2020.

s/ Paul J. Krog  
Paul J. Krog